

## REMARKS

**I. THE “REQUIRED” LIMITATION FOR FUNCTIONALITY WAS DISCLOSED IN THE SPECIFICATION WHEN ORIGINALLY FILED, THUS THE §§ 112 REJECTION AND 132(a) OBJECTION CANNOT BE SUSTAINED**

The Examiner has stated that the amendments previously entered “requiring” functionality was not supported by the specification when filed. The Applicants continue to disagree with the Examiner’s conclusion as to several of the SA connections. Page 13, ln 3-21 supports the “requiring” functionality and is quoted as follows:

The present invention includes the capability of forming five different SAs securely connecting various nodes and routers on the Internet. The following security associations will connect the following nodes and routers:

(1) SA1 - the SA1 80 securely connects the secure messaging gateway 15 in the home network 10 to the secure messaging gateway 45 in the foreign network 40,

(2) SA2 - the SA2 85 securely connects the Mobile Node 64 to the Foreign Agent 58 in the foreign network 40,

(3) SA3 - the SA3 87 securely connects the Mobile Node 64 to the Home Agent 28 in the home network 10,

(4) SA4 - the SA4 90 securely connects the Mobile Node 64 to the correspondent node 70, and

(5) SA5 - the SA5 92 securely connects the correspondent node 70 to the Home Agent 28 in the home network.

The security scheme in the present invention covers one or more portions of the public network as mandated by the needs of the user and the level of security desired. At the very least, SA1 80 is needed to traverse the public networks in the Internet.

Additional support is found on page 9, ln 16 (“The present invention establishes SAs between various nodes and agents on the system to comprehensively, and flexibly, cover connections in the network.”). SAs are not optional, and it logically follows that the invention requires multiple SAs between nodes and agents. At the very least, SA1 is explicitly required. Applicant submits that the quoted section of the specification

supports the use of the terms “requiring” in the amended claims, which claim the SA1 home network to foreign network connection.

The cited section of the specification support the “requirement of functionality” limitations found in the claims, because it specifically identifies that the SA1 connection is needed at a minimum. Viewed in the context of the quoted section, SAs are required by the invention to flexibly configure the system to meet a desired level of security mandated by the user. Since the specification is clear that SA1 is required, the specification supports the claimed subject matter. Applicant does not believe that the rejection and objection can be sustained in light of the identified support in the specification.

## **II. THE CITED REFERENCE CANNOT SUSTAIN A §103 REJECTION OF THE AMENDED CLAIMS**

The Examiner rejected claims 1-37 under 35 U.S.C. § 103(a) as allegedly unpatentable over the Calhoun reference in view of the ‘908 Patent. Applicants respectfully suggests that the amended claims overcome the § 103(a) rejection.

The claims have been amended to further clarify that the broker and AAA server are separate entities with distinguishable functions. Claim 1 has been amended to claim a broker “separate from any AAA server on either the home network or the foreign network.” Claim 11 has been amended to claim a “service level agreement broker operating separate from any AAA server on either the home or foreign network and not performing accounting functions.” Claim 20 has been amended to require “a broker entity separate from any AAA server” functioning as a consortium of a plurality of security associations that are used to establish security associations. Amended Claim 29

requires a broker supporting a plurality of security associations used to establish a security association between the home network and the mobile node “existing and functioning separately from any AAA server.” There is also an express limitation in Claims 20 and 29 that the AAA server is “separate from said broker.”

Claims 1 and 20 have also been amended to further differentiate the capabilities of the broker from that allegedly performed by AAA servers in Calhoun. Claim 1 claims the ability of the broker to establish and maintain “a single service level agreement for communications among multiple networks and nodes.” Claim 20 claims “security associations that can include a single security level agreement established on multiple nodes among different network to form a virtual private network.” These claimed abilities are not disclosed, suggested, or taught for AAA servers by Calhoun.

Furthermore, each of the claims also requires a separate AAA server performing authentication and accounting functions. Calhoun and the ‘908 Patent, alone or in combination, do not disclose, suggest, or teach two separate AAA server and broker entities, nor do the two references disclose, suggest, or teach a broker or other entity performing the claimed functions as separate entities.

Further, it is respectfully suggested that the Calhoun and ‘908 Patent do not combine to teach a security gateway organized by incorporating the AAA server and the firewall functions at the home network and the foreign network. The ‘908 Patent only discloses a firewall that examines all packets entering the network and does not teach, suggest, or disclose combining the AAA server and firewall entities into an integrated security gateway. Combining the AAA server and firewall functions as claimed to function as a security gateway that both blocks access and perform authentication and

accounting functions to track communications would not have been obvious to one skilled in the art at the time the application was filed based on the two references. The combined references do not suggest combining the two functions in that manner as an integrated security gateway entity.

Finally, the amended claims mandate the functionality limitations for Claims 1, 11, 20, and 29. As discussed above, the specification does support the limitation of requiring the specified functionalities. It is believed that when properly considered, independent Claims 1, 11, 20, and 29 are further distinguishable from the Calhoun reference based on the requirement limitations to the functionalities, because Calhoun does not teach, suggest, or disclose requiring the specified functions for secure communication as described and claimed.

### **III. CONCLUSION**

The amended claims are distinguishable from the teachings of the Calhoun and '908 Patent references. The Applicants believe that the amended claims traverse the Examiner's 35 U.S.C. §§ 112 and 103(a) rejections. The specification supports the "requirement of functionality" limitations. The two separate broker and AAA server entities are also not disclosed, taught, or suggested by the two references, nor are the claimed functions for the claimed broker, which includes establishing and maintaining a service level agreement among multiple networks. It is also not believed that the two references combine to teach the single security gateway entity incorporating both AAA server and firewall functions. These claimed limitations are not taught, suggested, or disclosed by the two cited references, alone or in combination. Since the dependent

claims add further limitations to the allowable independent claims, the Applicants believe the dependent claims are likewise allowable.

Accordingly, pending claims 1-37 are believed allowable because the claimed invention is not disclosed, taught, or suggested by the cited references. It is believed that no additional fees are necessary for this filing. If additional fees are required for filing this response, then the appropriate fees should be deducted from D. Scott Hemingway's Deposit Account No. 501,270.

Respectfully submitted,

A handwritten signature in black ink, reading "Malcolm W. Pipes". The signature is written in a cursive, flowing style.

Malcolm W. Pipes  
Reg. No. 46,995  
Attorney for Applicant

Hemingway & Hansen, LLP  
460 Preston Common West  
8117 Preston Road  
Dallas, Texas 75225  
(214)292-8301 (voice)  
(214)739-5209 (fax)